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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,242	04/06/2004	Ronald Cortigiano SR.	ITW-13120.01	7469

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NEW YORK, NY 10177

EXAMINER

AFTERGUT, JEFF H

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,242

Applicant(s)

CORTIGIANO, RONALD

Examiner

Jeff H. Aftergut

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7-15-05, 4-6-04</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of either one of Ishikawa '970, or Ishikawa '057.

The admitted prior art as described by applicant is the formation of a plastic bag which included a zipper portion thereon. It was known per se to incorporate a zipper which included a slider thereon. The admitted prior art suggested that one skilled in the art would have formed a tape which included a plurality of sliders inserted thereon. Prior to insertion of the sliders upon the tape, it was known to form restraints or stops for the slider at regular intervals along the tape. The tape of slider assemblies was known to have to be fed automatically to a station where each slider zipper assembly was cut off the end of the tape and attached to a respective section of a thermoplastic bag material in the making of the plastic bag having the slider zipper assembly thereon. The admitted prior art failed to expressly teach that one skilled in the art would have employed a guide mechanism which included a channel therein through which the zipper assembly was fed in the manufacture of the bag. Applicant is referred to pages 1-3 of the specification for a discussion of the admitted prior art.

In the art of feeding zipper assemblies in the assembly of the zipper assemblies to make articles of manufacture, it was known at the time the invention was made to

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employ a zipper guide which included a channel through which the zipper assembly was fed as evidenced by any one of Ishikawa '970 or Ishikawa '057. Each one of Ishikawa '970 or Ishikawa '057 suggested that one skilled in the art of feeding a zipper assembly would have fed the same through a guide which included a channel therein. More specifically, the reference to Ishikawa '970 suggested that those skilled in the art would have fed the zipper assembly through an upper guide 15 and a lower guide 16 which formed a channel through which zipper strip 2 was fed. The reference to Ishikawa '057 suggested that it was known to feed a zipper assembly 2 through a channel formed by an upper guide member 11 and a lower guide member 9 in an automated process. It was known at the time the invention was made to feed a zipper assembly through a channel in the manufacture process to provide for easy handling of the zipper assembly. While neither channel arrangement was designed to carry a slider there through, one skilled in the art would have constructed the channel when using a zipper with a slider with a suitable cross sectional shape such that it was capable of feeding the zipper and slider assembly there through. Since it was known at the time the invention was made to feed the zipper assemblies through a channel in the manufacture of an article of manufacture during automated production wherein the assembly was retained in the channel and unable to move about its axis when disposed therein (which would have assured one of proper feeding and orientation of the zipper assembly), it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feed means of either one of Ishikawa '970 or Ishikawa '057 in the process of feeding a zipper assembly including a slider of the admitted prior art (note that the

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channel would have been designed to carry not only the zipper portion but also the slider associated with the same as one skilled in the art would have appreciated the same).

With regard to the various dependent claims, note that the references to Ishikawa '970 or Ishikawa '057 suggested that one skilled in the art would have utilized a roller arrangement for feeding the zipper assemblies through the operation wherein one contacted the flange portion of the zipper assembly with the roller for feed through. Additionally, one skilled in the art would have been expected to design the channel of a length to accommodate at least two slider assemblies simultaneously wherein the axial movement of the zipper assembly associated with the slider would have been limited by its path through the channel. The use of a channel of a length such that it was capable of handling two slider assemblies would have been obvious as such would have: (1) ensured that the next to be fed zipper/slider assembly was ready for feeding through the channel, and; (2) limited movement of the zipper slider assembly by having at least two sliders in the channel at all times (whereby the zipper assembly would have been unable to move within the channel).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jeff H. Aftergut
Primary Examiner
Art Unit 1733

JHA
October 11, 2006